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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,175	04/19/2004	Edgar Bonifer	MAN03 P-116	2415

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VAN DYKE, GARDNER, LINN AND BURKHART, LLP  
2851 CHARLEVOIX DRIVE, S.E.  
P.O. BOX 888695  
GRAND RAPIDS, MI 49588-8695

EXAMINER

RIDLEY, RICHARD

ART UNIT PAPER NUMBER

3651

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/827,175

Applicant(s)

BONIFER ET AL.

Examiner

Richard Ridley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Species II (fig. 11-15), claims 1-44 and sub-species 'C' claims 33-55 in the reply filed on 8-26-04 is acknowledged.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-44 are replete with error too numerous to point out in their entirety. Below are just a few examples of errors rendering the claims vague and indefinite.

In claim 1, the word "small" is relative and renders the claim indefinite. What is regarded as "small"?

In claims 13, 14, use of the term "possible" renders the claim indefinite.

In claim 17, the word "slightly" is relative and renders the claim indefinite.

Claim 17 recites the limitation "each autonomous conveyor". There is insufficient antecedent basis for this limitation in the claim.

In claims 13, 16, 18, and all claims using the phrase “can be” are vague and indefinite. As written the claims only recites what the device *could* be instead of what the device is. As written the claim is unclear.

In claim 27, use of the term “standard” is indefinite.

In claim 28, use of the term “special” is indefinite.

In claim 33, the phrase “profile in the manner of a vehicle tire” is vague and renders the claim indefinite. What constitutes a “profile in the manner of a vehicle tire”?

In claim 34, the phrase “as high as possible” is unclear.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-29, 33-44, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Patrito USP 6,176,367. Patrito discloses all of the claim limitations in a similar device comprising a(n):

- Frame parts (12)
- Load bearing members (fig. 3) which form longitudinally running load-bearing tracks
- At least two laterally spaced load-bearing belts (18) that are toothed
- Modular construction conveying units (fig. 6)
- Load-bearing rollers (22) which are mounted on the load-bearing members (fig. 3)

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- At least one driving gearwheel (15; fig. 3)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 30, 31, 32, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Patrito USP 6,176,367.

Re clm 30, 31, The examiner takes Official Notice of the fact that load-bearing belts at the time of the invention were well known to have been provided with reinforcements such as embedded steel, kevalr or woven material for the purpose of increasing strength of the belt and resisting tension and length changes in the belt resulting therefrom.

Re clm 32, The examiner takes Official Notice of the fact that load-bearing belts at the time of the invention were well known to have been provided with a traction-increasing top side for the purpose of increasing traction with the conveyed article.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910. The examiner can normally be reached on Mon-Thur 7:00 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Ridley  
23 Sept 2004

Richard Ridley  
Primary Examiner  
Art Unit 3651